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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PHAM, THIERRY L	
ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/738,795	Applicant(s) HAINES, ROBERT E.	
	Examiner Thierry L. Pham	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: Pre-Appeal Conference Request filed on 11/23/05.
- Claims 1-32 are pending.

Response to Arguments

Applicant's arguments, see pages 1-5, filed 11/23/05, with respect to the rejection(s) of claim(s) 1 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 7-9, 11, 13-14, 16-17, 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayward et al (US 6798997).

Regarding claim 1, Hayward discloses a consumable management device (*computer 30, fig. 2*) comprising:

- an interface (*interface 32, fig. 2*) configured to receive a first message (*signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12*) including a first designation (*conditions indicate a need to replace a consumable parts such as paper, ink, toner, cartridge, col. 5, lines 5-17*) identifying an imaging consumable used by an image forming device (*printer 10, fig. 2*) to form hard images (*i.e. inks/toners used to form hard images, col. 5, lines 5-12*); and

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- processing circuitry (*computer 30, fig. 2*) coupled with the interface (*interface 32, fig. 2*), the processing circuitry being configured to convert the first designation (*converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62*) identifying the imaging consumable to second designation (*i.e. parts to be ordered, col. 7, lines 54 to col. 8, lines 64*) identifying the imaging consumable, to generate a second message (*purchase order, fig. 7, col. 7, lines 54 to col. 8, lines 65*) including the second designation (*purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65*), and to forward the second message (*forwards purchase order to vendor's server 40, fig. 2, col. 7, lines 54 to col. 8, lines 65*) to the interface for communication to an entity for assisting with replenishment of the imaging consumable.

Regarding claim 3, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising a quantity (inherently, purchase order includes quantity, fig. 7, col. 7, lines 54 to col. 8, lines 63) corresponding to the imaging consumable identified by the second designation.

Regarding claim 4, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising an email message (col. 8, lines 5-12) and to include the second designation (purchase order, col. 8, lines 5-12) as an attachment of the email.

Regarding claim 7, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to export the second designations into one of a plurality of formats (col. 8, lines 3-12) corresponding to the entity to generate the second message.

Regarding claim 8, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to communicate the second message at a predetermined moment in time (col. 8, lines 4-63).

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Regarding claim 9, Hayward further discloses an image forming system (system, fig. 2) comprising:

- an image forming device (*printer 10, fig. 2*) configured to use an image consumable (i.e. inks/toner) to form hard images, to monitor (*sensor 12, fig. 10*) the status of the imaging consumable, and to generate a first message (*conditions indicate a need to replace a consumable parts such as paper, ink, toner, cartridge, col. 5, lines 5-17*) including a first designation identifying the imaging consumable responsive to the monitoring; and
- a consumable management device (computer 30, fig. 2) coupled with the image forming device (printer 10, fig. 2) and configured to receive the first message (*signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12*), to convert (*converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62*) the first designation identifying the imaging consumable to a second designation identifying the imaging consumable, and to communicate a second message (*purchase order, fig. 7, col. 7, lines 54 to col. 8, lines 65*) including the second designation (*purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65*) to an entity for assisting (*forwards purchase order to supplier, fig. 2, col. 8, lines 46-48*) with replenishment of the imaging consumable.

Regarding claim 11, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising an email message (col. 8, lines 5-12) and to include the second designation (purchase order, col. 8, lines 5-12) as an attachment of the email.

Regarding claim 13, Hayward further discloses the system in accordance with claim 9 wherein the image forming device comprises a printer (printer 10, fig. 2).

Regarding claim 14, Hayward discloses a method of replenishing (fig. 7) an imaging consumable usable to form hard images, the method comprising:

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- receiving a first message (*signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12*) including a first designation identifying the imaging consumable;
- converting the first designation (*converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62*) to a second designation different than the first designation, the second designation identifying (*purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65*) the imaging consumable;
- generating a second message (*purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65*) including the second designation; and
- communicating (*forwards purchase order to supplier, fig. 2, col. 8, lines 46-48*) the second message including the second designation to an entity for assisting with replenishment of the imaging consumable.

Regarding claim 16, Hayward further discloses the method in accordance with claim 14 wherein the generating comprises generating the second message including a quantity (inherently, purchase order includes quantity to be ordered, fig. 7, cols. 7-8) corresponding to the imaging consumable identified by the second designation.

Regarding claim 17, Hayward further discloses the method in accordance with claim 14 wherein the generating comprises:

- generating the second message comprising an email message (col. 8, lines 5-12); and
- providing the second designation as an attachment of an email message (col. 8, lines 5-12).

Regarding claim 19, Hayward the method in accordance with claim 14 wherein the generating comprises exporting the second designation into one of a plurality of formats (col. 8, lines 3-12) corresponding to the entity.

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Regarding claim 20, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to communicate the second message at a predetermined moment in time (col. 8, lines 4-63).

Regarding claim 21, Hayward further discloses the device in accordance with claim 1 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

Regarding claim 22, Hayward further discloses the device in accordance with claim 1 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 23, Hayward further discloses the system in accordance with claim 9 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

Regarding claim 24, Hayward further discloses the system in accordance with claim 9 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 25, Hayward further discloses the method in accordance with claim 14 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

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Regarding claim 26, Hayward further discloses the method in accordance with claim 9 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 27, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 28, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

Regarding claim 29, Hayward further discloses the system in accordance with claim 9 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 30, Hayward further discloses the system in accordance with claim 9 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

Regarding claim 31, Hayward further discloses the method in accordance with claim 14 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 32, Hayward further discloses the method in accordance with claim 14 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5-6, 10, 12, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward as described in claims 1, 9, and 14 above, and in view of Hogge et al (US 5983194).

Regarding claims 5, 12, and 18, Hayward fails to teach and/or suggest converting manufacturer part number to customer part number.

Hogge, in the same field of endeavor for ordering parts, teaches a processing circuitry for converting manufacturer part number to customer part number (converting part numbers between manufacturers/customers, col. 8, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Hayward to include method/device to convert manufacturer part number to customer part number as taught by Hogge because of a following reason: (●) to easily correspond manufacturer part number with customer part number to ensure the right part is ordered; (●) to find alternate parts with lower prices and/or availability from different manufacturers by converting/corresponding parts number between manufacturers (col. 8, lines 5-10).

Therefore, it would have been obvious to combine Hayward with Hogge to obtain the invention as specified in claims 5, 12, and 18.

Regarding claims 2, 10, and 15, Hayward further teaches wherein the interface is configured to receive another first message (col. 5, lines 5-15) including another first designation identifying another imaging consumable (i.e. inks, toners, paper, cartridge, and etc), and the processing circuitry is configured to convert the another first designation into another second designation identifying the another imaging consumable (different parts to be ordered such as inks, toner, paper, cartridge, and etc), and to generate the second message (purchase order, fig. 7) comprising a list including the second designations (inks, toner, paper, cartridge, and etc. and it is well known that plurality of different parts can be ordered using a single purchase order).

Regarding claim 6, Hogge further teaches the device in accordance with claim 1 further comprising a storage circuitry (fig. 1) configured to store a look-up table, and the processing circuitry is configured to access the look-up table (col. 8, lines 5-10, look-up table storing plurality part number is well known in the art) to convert the first designation to the second designation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thierry L. Pham

A handwritten signature in black ink, appearing to be 'Thierry L. Pham', with a stylized, flowing script.A handwritten signature in black ink, appearing to be 'David Moore', with a stylized, flowing script.

DAVID MOORE
SUPERVISORY PATENT EXAMINED
TECHNOLOGY CENTER